

Notice of Allowability

Application No.

10/761,454

Applicant(s)

FUJISAWA, EIZO

Examiner

Phylesha L. Dabney

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/1/07.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date 10/1/07.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

DETAILED ACTION

This action is in response to the Paper received on 1 October 2007 in which claims 1-19 are pending.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

To obviate the rejection of claims 1-19 under 35 U.S.C 102(e) utilizing Bell (Patent No. 7162030), the Applicant submitted an English-translation of Applicant's priority Japanese application, Japanese Patent Application No. 2003-012405, and a signed statement by the translator that the enclosed translation is a true and correct English translation of the priority application. A certified copy of the Japanese priority application was filed previously filed with the PTO and is correctly identified on the filing receipt. As indicated on the cover page of the translated document and Applicant's executed Declaration for Patent, the filing date of the Japanese priority application is January 21, 2003. The US (and earliest) filing date of Bell reference is December 23, 2003. Thus, based on the Japanese priority date, Applicant's pending application has a filing date (January, 21, 2003) that predates that of Bell (December 23, 2003). Accordingly, Applicant relies on the translation of the priority document (and accompanying statement of the translator) to perfect priority under 35 USC 119 and to overcome the rejection of all the claims based on Bell. See M.P.E.P at 201.15.

Thus, the prior art of record (Bell, U.S. Patent No. 7162030) fails to teach prior to the effective filing date of the present application a portable terminal unit comprising: a first housing and a second housing, said first housing and said second housing overlapping each other; a

coupling section which couples said first housing and second housing to each other at their end portions so that said first and second housings are relatively rotatable around a shaft which passes through said first and second housings; an operation section provided on a second housing surface, which faces said first housing; a display section provided on a surface of a first side of said first housing, said surface being opposite to a second side of said first housing, said second side facing said second housing; a storing section; and a control section which controls said display section, wherein said portable terminal unit is in a closed state when said first housing and said second housing are overlapped and said portable terminal unit is in an opened state when said operation section is exposed to outside by clockwise or counterclockwise rotation of said first housing from the closed state, and said control section controls to display a first screen on said display section when said first housing is rotated in relation to said second housing clockwise from the closed state, and controls to display a second screen on said display section when said first housing is rotated in relation to said second housing counterclockwise from the closed state, as substantially described and connected with the other functional language recited in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phylesha L. Dabney whose telephone number is 571-272-7494. The examiner can normally be reached on Mondays, Wednesdays, Fridays 8:30-4 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
P O Box 1450
Alexandria, VA 22313-1450

Or faxed to:
(703) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "Proposed" or "Draft" when submitting an informal amendment.

Hand-delivered responses should be brought to:
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 6, 2007
PLD 


CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER